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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,457	06/14/2006	Marc Andre Peters	NL031487US1	6887

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BRIARCLIFF MANOR, NY 10510

EXAMINER

YU, XIANG

ART UNIT	PAPER NUMBER
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2445

MAIL DATE	DELIVERY MODE
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09/14/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/596,457	Applicant(s) PETERS ET AL.	
	Examiner XIANG YU	Art Unit 2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,8,15 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,8,15 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05 August 2010</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission last filed on July 07th, 2010 has been entered.

Response to Remarks/Arguments

2. This Office Action is in response to the communications for the present US application number 10/596,457 last filed on July 07th, 2010 and IDS filed on August 05th, 2010. Claims 1, 8, 15, and 19 are pending and have been examined.

3. Upon further review of the newly submitted IDS references, the examiner is not persuaded with regards to the previous amendments and emphasis simply the terms of "broadcast driven" group of peers. Most elements have been previously covered within the latest advisory action response.

In view of the specifications found on page 4, lines 17-18, the broadcast driven group of peers is simply a group of peers within a p2p community driven or fueled by a goal or interest in mind. The peers are enabled to interact via the P2P network within the context of the broadcast. While, the applicant's remarks and specification go on and

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further define how these groups thus form their “virtual private network that improves the scalability by routing messages only through members of that group and not to all the peers on the network,” this idea is not clearly reflected within the claim language. There is no sense of exclusivity or private messaging within the group members. The claim language should be further amended to better convey that meaning and purpose.

Applicant's representative has also stated that Goldman's disclosure of an EPG with identifiers does not equate to “...deriving a specific identifier from a further identifier,...” to which the examiner disagrees. The act of “deriving” is vague and indefinite and can be easily and readily interpreted as a form of “extracting” a (first) specific identifier from a (second) further identifier. Now, since *Goldman* clearly discloses of an EPG with multiple various identifiers for linking content data and/or individuals (e.g., *Goldman*: column 6, lines 55-60 and column 9, lines 44-49, and column 11, lines 23-43), it should be clear that a user can derive or extract some information from an identifier or tag and get a further identifier or tag.

In addition, the second claim limitation starting with “...deriving at an end-user site...” is written with conditional elements (i) or (ii). The examiner has already addressed element (i). All the elements of the TV-Anytime CRID and the *Koike* reference are all part of element (ii), which can be disregarded under the OR condition. Nevertheless, the examiner will briefly address the issues raised within the remarks. Applicant's representative stated that it is unknown how *Koike*'s usage of CRID can be applied to the whole limitation. The examiner has tried to show that *Koike*'s teachings of the CRID can be easily and readily combined within *Marshall's* and *Goldman's*

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teachings of the EPG, as the CRID is related to identifying the content or materials (i.e., title of the program), to teach as a whole and cover all the aspects of that particular limitation. The teachings of the EPG and the peer ID are provided within the first two references as previously stated and presented.

In addition on a separate note, all the terms such as deriving, responsive, and enabling are all still very vague and open to interpretation during and throughout the examination of the claims.

See the new claim rejections for further clarifications with added emphasis on the points previously disclosed. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1, 8, 15, and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. US 2003/0237097 A1 to *Marshall et al.* ("*Marshall*") in view of U.S. Patent No. US 7,552,460 B2 to *Goldman, Phillip Y.* ("*Goldman*") and further in view of U.S. Patent Publication No. US 2003/0120634 A1 to *Koike et al.* ("*Koike*").

As to **claim 1**, *Marshall* discloses a **method of enabling to identify a specific broadcast driven group of peers among multiple groups of peers on a peer-to-peer network, the method comprising:**

providing a specific identifier of multiple identifiers for linking a content broadcast to the specific broadcast driven group of peers (*Marshall* discloses of users or peers with their personal video recorders (PVRs), which can obtain data from other peer devices, including other PVRs, installed within their individual end user sites (i.e., homes), within a peer-to-peer (p2p) network environment. The desired or requested information or data is broadcasted in a variety of formats with associated meta-data acting as identifiers for the content data and the related peers, (e.g., *Marshall*: paragraphs [0013-14]). These peers are driven and fueled by their interests and/or goals and thus seeks related contents from other peers within the p2p network community.

Marshall discloses of various other peers, but does not go into details on the issue of groups of peers.

Goldman more expressly discloses of peers being able to form groups or a list of buddies who all share similar interests in what is being watched. All of which can be tracked through the EPG of their systems (i.e., such as the PVRs from *Marshall*) (e.g., *Goldman*: Figure 5, columns 9, lines 44-49, column 10, lines 62-64, column 11, lines 1-7 and 33-40).

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Marshall and *Goldman* are all analogous art because they are all in the same field of endeavor with respect to providing and sharing data information in a p2p environment.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to incorporate *Goldman's* concept of configuring or modifying the EPG to identify groups of peers or buddies that share similar interests or contents as the requesting user all within *Marshall's* concept of peers searching for content using the metadata identifiers with their PVR systems. One skilled in the art would be motivated to combine them and see the benefits and efficiency it offers as the peers and peer group identifiers along with data contents are more efficiently organized such that any peer user can more readily find something of interest with relative ease;

deriving at an end-user site (wherever each user's PVR equipment is installed, (i.e., home)) **the specific identifier (i) from a further identifier embedded in a broadcast stream of the content broadcast in response to a reception of the content broadcast** (using the same embodiment, and with *Goldman's* teachings of an Electronic Programming Guide (EPG) with various identifiers, along with the content being broadcasted from other peers or other PVR devices contains the metadata identifiers, a specific or particular identifier can be derived or extracted from another further identifier within the EPG, (e.g., *Marshall*: paragraph [0014] and *Goldman*: column 6, lines 55-60 and column 9, lines 44-49, and column 11, lines 23-43) **or (ii) from a further identifier**

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embedded in an electronic program guide (EPG) in response to selecting the content broadcast from the EPG, the further identifier being representative of the content broadcast (or separately, *Marshall* also discloses of an EPG with associated indicators or other forms of identifiers for PVR units to pick up on, along with *Goldman's* teachings of the EPG with identifiers for its buddy users and content data, e.g., *Marshall*: paragraph [0018-19] and *Goldman*: Figure 5, columns 9, lines 44-49, column 10, lines 62-64, column 11, lines 1-7 and 33-40), **wherein the further identifier comprises a TV-anytime Content Reference Identifier that resolved into a peer group ID as part of the step of deriving** (*Marshall* and *Goldman* both do not expressly disclose of a TV-anytime Content Reference Identifier).

Koike more expressly discloses the concept of incorporating and using TV-Anytime Content Reference Identifiers (e.g., *Koike*: paragraphs [0059-60]), which can be implemented and used within the EPG, which contains all the various other identifiers and associated to the multiple groups of peers or buddies driven or fueled by their interests.

Marshall, *Goldman*, and *Koike* are analogous art because they are in the same field of endeavor with respect to providing and sharing data information in a peer-to-peer environment.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to incorporate *Koike's* concept of using TV-Anytime Content Reference Identifiers along with *Goldman's* concept of having forming

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groups of peers or having buddies with similar interests within the EPG together within *Marshall's* concept of peers searching for content using metadata identifiers with their PVR systems, within a p2p network environment. One skilled in the art would be motivated to combine them and see the benefits it offers as the identifiers can be used to help locate or associate with other similar groups in a more efficient manner; **and**

responsive to deriving the specific identifier, enabling a connection to the specific broadcast driven group of peers via the peer-to-peer network within a context of the content broadcast (*Marshall* discloses of a peer user using the PVR to browse or search for the specific content or other peers, combined with *Goldman's* teachings of browsing through the EPG for specific or requested identifiers (which can be the TV-anytime CRIDs from *Koike*), linking to groups of peers or buddies with similar interests. Once found, the user can join and be a part of that group or at least be associated with that group, e.g., *Goldman*, Figure 5, columns 9, lines 44-49, column 10, lines 62-64, column 11, lines 1-7 and 33-40).

See the previously stated reasons for combining *Marshall*, *Goldman*, and *Koike*.

As to **claims 8, 15, and 19**, see the similar rejection of claim 1.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2002/0156875 A1 to *Pabla, Kuldipsingh*.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to XIANG YU whose telephone number is (571)270-5695. The examiner can normally be reached on Monday - Friday 8:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571)272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/X. Y./

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Examiner, Art Unit 2445

/VIVEK SRIVASTAVA/

Supervisory Patent Examiner, Art Unit 2445